

The proposed project is located within the Sorrento Mesa Industrial sub area of the Mira Mesa Community Plan. The Community Plan designates the site for Industrial Park. The Industrial Park designation is intended to accommodate a mixture of research and development, office, and manufacturing uses. The proposed development requires a Process Three Planned Development Permit. The original PID was approved by the Planning Director and all subsequent amendments were decided in accordance with Process 3 per San Diego Municipal Code Section 126.0113.

DISCUSSION

Project Description:

The project area was developed in 1984 as part of the Lusk Industrial Park development through Planned Industrial Development (PID) Permit No. 84-0304, approved on August 20, 1984. The development allowed for the development of seven buildings containing a total floor area of 355,279 square feet and no fewer than 1,114 off-street parking spaces for the area identified as Lot 84 of Lusk Industrial Park, Unit 2, Map No. 10099. The project site is identified as Parcel 3, which is one of the four parcels created from Lot 84 via Tentative Map No. 84-0304.

The original Planned Industrial Development (PID) Permit 84-0304 has had three previous amendments:

1. PID No. 86-0125, an amendment was approved by the Planning Director to increase the percentage of commercial office use within the development area described as Lot 84, Lusk Industrial Park, Unit 2, Map No. 10099. PID No. 86-0125 allowed for the construction six industrial buildings listed in Table One.
2. PID No. 89-0398, an amendment was approved to allow the construction of three, two-story buildings totaling 165,000 square feet for Research and Development uses within the development area described as Lot 84, Lusk Industrial Park, Unit 2, Map No. 10099. Under the prior permits, six buildings were approved, but only five were built.
3. Planned Development Permit (PDP) No. 272886 an amendment was approved to construct two buildings and a parking structure totaling 300,000 square feet, providing 150,000 square feet for office use and 150,000 square feet for Research and Development (R&D) use and 1,020 on-site parking spaces. These buildings were never constructed (Attachment 4).

The Industrial Land Use Element of the Community Plan requires that the amount of multi-tenant office be limited to 50 percent of the total square footage of the project. The proposed project would be limited to single-tenant research and development and corporate office, therefore complies with the land use plan.

The project proposes to amend Planned Development Permit No. 272886 to construct one, 11-story, 332,800-square-foot office building for Research and Development, including an eight-level parking structure. The previous amendment allowed the construction of two buildings

and a parking structure totaling 300,000 square feet. These buildings were never constructed.

For the purposes of limiting the amount of multi-tenant office and preserving occupancy for industrial use, the amount of multi-tenant office shall be limited to 50 percent of the total square footage of the project. For the purposes of this proposed development, any office tenant not occupying over 40,000 square feet of gross floor area shall be considered as contributing to the aggregate 50% limitation of multi-tenant office.

The proposed development exterior is a modern design which includes translucent glass, clear glass, aluminum window frames, metal louvers and zinc cladding. The proposed parking structure provides 1,096 parking spaces, including 17 accessible spaces and 100 carpool spaces where a minimum of 832 parking spaces are required by the Land Development Code.

Environmental Analysis:

This project is within the scope of Mitigated Negative Declaration No. 86053 Sorrento Valley Science Park Project (Project No. 86053), which was certified and adopted, on September 22, 2005 by Resolution No. 3846-PC, by the Hearing Officer of the Development Services Department. This Mitigated Negative Declaration adequately describes the activity for the purposes of CEQA.

Any previous mitigation applicable to this development would transfer with this entitlement, therefore no additional environmental documentation, including public review and comment is required.

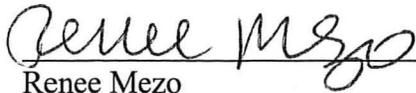
Conclusion

Staff has reviewed the application for the Planned Development Permit and determined the project complies with the applicable sections of the Municipal Code. Staff has determined the required findings would support the decision to approve the proposed project (Attachment 7). Therefore, staff recommends the Hearing Officer approve the Planned Development Permit as conditioned.

ALTERNATIVES:

1. **Approve** Planned Development Permit No. 585221, **with modifications.**
2. **Deny** Planned Development Permit No. 585221, **if the findings required to approve the project cannot be affirmed.**

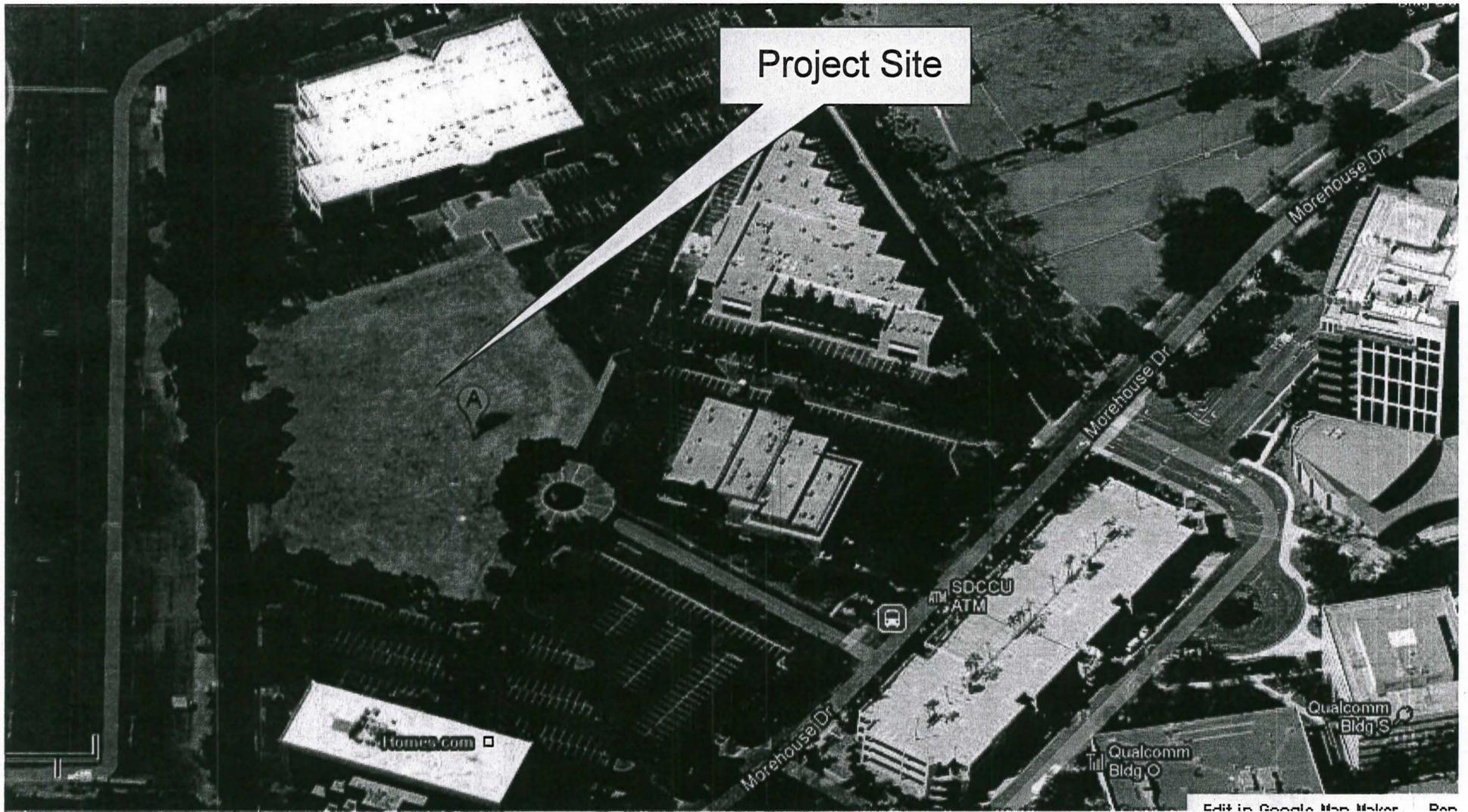
Respectfully submitted,



Renee Mezo
Development Project Manager

Attachments:

1. Aerial Photograph
2. Draft Permit with Conditions
3. Draft Resolution with Findings
4. Project Plans (Hearing Officer only)
5. Planned Development Permit No. 585221, approved May 23, 2007
6. Mitigated Negative Declaration No. 86053
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Public Hearing Notice

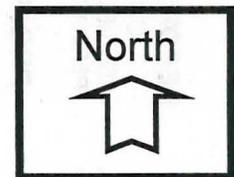


Project Site



Aerial Photo

QUALCOMM BA TOWER- 5530 MOREHOUSE DRIVE
PROJECT NO. 163556



RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 23431495

PLANNED DEVELOPMENT PERMIT NO. 585221
QUALCOMM BA TOWER- PROJECT NO. 163556
AMENDMENT TO PLANNED INDUSTRIAL PERMIT NO. 272886
HEARING OFFICER
DRAFT

This Planned Development Permit No. 585221, amendment to Planned Industrial Permit No. 272886 is granted by the Hearing Officer of the City of San Diego to Qualcomm Incorporated, Owner/Permitee, pursuant to San Diego Municipal Code [SDMC] Section 126.0113. The 4.13-acre vacant parcel is located at 5530 Morehouse Drive, in the IL-3-1 Zone, the Airport Influence Area (Marine Corps Air Station Miramar), the Airport Environs Overlay Zone and the Residential Tandem Parking Overlay Zone, within the Mira Mesa Community Plan area. The project site is legally described as: Parcel 3 of Parcel Map No. 16707.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct one, 11-story, 332,800-square-foot office building for Research and Development, including an eight-level parking structure described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated January 16, 2013, on file in the Development Services Department.

The project shall include:

- a. Construction of one, 11-story, 332,800-square-foot office building for Research and Development;
- b. Construction of an eight-level parking structure;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;

- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by January 30, 2016.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

11. This Planned Development Permit (PDP) shall supersede all previous permits and amendments, including PDP No. 272886.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] for shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

13. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project.

14. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Mitigated Negative Declaration No. 86053, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

15. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Mitigated Negative Declaration No. 86053, satisfactory to the Development Services Department and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Paleontological Resources
Biological Resources
Transportation

16. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

ENGINEERING REQUIREMENTS:

17. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

18. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of the up-lifted portion and damaged portion of the sidewalk per current City Standards, adjacent to the site on Morehouse Drive.

19. The project proposes to export 3,995 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2003 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

20. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

21. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, to reconstruct the non-standard driveway to current City Standards with a 30 ft wide SDG-163 Commercial Concrete Driveway, adjacent to the site on Morehouse Drive.
22. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
23. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
24. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
25. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 2009-0009 DWQ and the San Diego Regional Water Quality Control Board (SDRWQCB) Order No. R9-2007-001, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 2009-0009-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 2009-0009-DWQ.
26. Prior to the issuance of any construction permit the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, consistent with the approved Water Quality Technical Report.
27. Any party, on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within 90 days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code 66020.

LANDSCAPE REQUIREMENTS:

28. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit 'A,' on file in the Office of the Development Services Department.
29. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the Development Services Department for approval. Improvement plans shall take into account a 40 sq-ft area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
30. In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'
31. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.
32. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections.
33. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.
34. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity.
35. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

36. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A", on file in the Office of the Development Services Department.

PLANNING/DESIGN REQUIREMENTS:

37. Prior to the issuance of any building permits for any structure, a Substantial Conformance Review (Process 1) shall be approved that will verify development is in conformance with the design guidelines located on the approved Exhibit "A".

38. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

39. For Parcel 3, a minimum of 832 spaces (1096 provided) including 100 carpool spaces and 17 accessible spaces (2 van) plus 10 bicycle spaces are required by the Land Development Code. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Director.

40. For Parcels 1-4, no fewer than 1,656 required off-street parking spaces (2,029 provided spaces) shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A". Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department.

41. Uses within the development shall be limited to single-tenant research and development and corporate office at a parking rate of no less than 2.5 spaces per 1,000 square feet.

42. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

43. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS

44. The applicant shall provide 10-foot visibility triangle areas along the property line on both sides of the driveway on Morehouse Drive. No obstacles higher than 36" shall be located within the visibility areas e.g. landscape hardscape, walls, shrubs...etc.

45. Prior to occupancy, a rideshare kiosk or bulletin board shall be provided in a conveniently accessible location satisfactory to the City Engineer.
46. Prior to occupancy, a minimum of 6 acceptable loading areas shall be provided satisfactory to the City Engineer.
47. Prior to occupancy, the Owner/Permittee shall provide an employee private shuttle service between the project and the regional transportation centers, and provide 75% transit pass subsidies for the employees to the satisfaction of the City Engineer.
48. Prior to occupancy, the Owner/Permittee shall provide a kiosk or bulletin board that displays information on transit use, carpooling, and other forms of ridesharing to the satisfaction of the City Engineer.
49. Prior to Building One occupancy, the Owner/Permittee shall provide and maintain a Transportation Demand Management Plan (TDMP) to the satisfaction of the City Engineer.
50. Prior to issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the widening of southbound Pacific Heights Blvd at the intersection with Mira Mesa Blvd to provide one additional lane for right turns with appropriate transitions which will result in two left turn lanes, two through lanes and one right turn lane for the southbound moves to the satisfaction of the City Engineer.
51. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the widening of both eastbound and westbound approaches on Mira Mesa Blvd at the intersection with Camino Santa Fe to provide one additional lane for left turns with appropriate transitions which will result in two left turn lanes, two through lanes and one through/right turn lane for both eastbound and westbound moves to the satisfaction of the City Engineer.
52. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the widening of northbound Vista Sorrento Parkway at the intersection with Sorrento Valley Blvd. to provide a right turn lane for at least 500 feet with appropriate transitions which will result in one left turn lane, one left through lane, one through lane and one right turn lane for northbound moves to the satisfaction of the City Engineer.
53. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the widening of eastbound Mira Mesa Blvd. at the intersection with Sequence Dr. to provide one additional lane for left turns with appropriate transitions which will result in two left turn lanes, two through lanes and one through/right turn lane for the eastbound moves to the satisfaction of the City Engineer.

54. Prior to the issuance of any construction permits, the Owner/Permittee shall re-stripe Morehouse Drive, from Scranton Drive to Lusk Boulevard and provide appropriate 'No Parking' signs on both side of the street with will result in one east, one west and one two-way left turn lane on Morehouse Drive to the satisfaction of the City Engineer.
55. Prior to the issuance of any construction permits, the Owner/Permittee shall provide a fair-share contribution of \$1,000,000.00 (\$500,00.00 for each building) for the Carroll Canyon Road project to the satisfaction of the City Engineer.
56. Prior to the issuance of any construction permits, the Owner/Permittee shall provide a fair-share contribution of \$306,000 for the Carroll Canyon Road project to the satisfaction of the City Engineer.
57. Prior to the issuance of any construction permits, the Owner/Permittee shall provide a fair-share contribution of \$200,000 for the Interstate 805 improvement project to the satisfaction of the City Engineer.
58. Prior to the issuance of any construction permits, the Owner/Permittee shall provide a fair-share contribution of \$125,000 for the Interstate 5 improvement project to the satisfaction of the City Engineer.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

59. Utilization of existing sewer laterals is at the sole risk and responsibility of the Owner/Permittee to ensure the laterals are functional and connected to a public sewer facility. Prior to connecting to any existing sewer lateral, the lateral will be inspected using a closed-circuit television (CCTV) by a California Licensed Plumbing Contractor to verify the lateral is in good working condition and free of all debris.
60. No trees may be located within ten feet of any sewer facilities.
61. No shrubs exceeding three feet in height at maturity may be located within 10 feet of any sewer main.
62. All on-site wastewater systems will be private.
63. The Owner/Permittee shall design and construct all proposed sewer facilities in accordance with established criteria in the most current City of San Diego Sewer Design Guide.
64. The Owner/Permittee shall design and construct all proposed private sewer facilities located within a single lot to meet the requirements of the California Plumbing Code and it will be reviewed as part of the building permit plan check.

65. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new 12-inch looped water facilities traversing the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

66. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the disconnection at the water main of the existing water service adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

67. Prior to the issuance of certificate of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Marshal, the Water Department Director and the City Engineer.

68. Prior to the issuance of any construction permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service serving the project, in a manner satisfactory to the Water Department Director and the City Engineer.

69. Prior to the issuance of any construction permits, the Owner/Permittee shall grant adequate water easements over all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director and the City Engineer. Easements, as shown on approved Exhibit "A" will require modification based on standards at final engineering.

70. Prior to the issuance of any construction permits, the Owner/Permittee shall provide Encroachment Removal and Maintenance Agreement (EMRA) for all public water facilities located within the easement.

71. Prior to the issuance of certificate of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

72. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, as shown on approved Exhibit "A", shall be modified at final engineering to comply with standards.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party, on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on January 16, 2013 and Resolution No. XXXX.

HEARING OFFICER
RESOLUTION NO. XXXX
PLANNED DEVELOPMENT PERMIT NO. 585221
AMENDMENT TO PLANNED INDUSTRIAL PERMIT NO. 272886
QUALCOMM BA TOWER- PROJECT NO. 163556
DRAFT

WHEREAS, QUALCOMM INCORPORATED, Owner/Permittee, filed an application with the City of San Diego for permits to construct an office building and parking garage, (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Planned Development Permit No. 585221, amendment to Planned Industrial Permit No. 272886), on portions of a 4.13-acre site;

WHEREAS, the project site is located at 5530 Morehouse Drive, in the IL-3-1 Zone, the Airport Influence Area (Marine Corps Air Station Miramar), the Airport Environs Overlay Zone and the Residential Tandem Parking Overlay Zone, within the Mira Mesa Community Plan Area;

WHEREAS, the project site is legally described as: Parcel 3 of Parcel Map No. 16707 (Assessor Parcel Number 343-031-71);

WHEREAS, on January 16, 2013, the Hearing Officer of the City of San Diego considered Planned Development Permit No. 585221 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated January 16, 2013:

PLANNED DEVELOPMENT PERMIT FINDINGS - SECTION 126.0604:

1. The proposed development will not adversely affect the applicable land use plan.

The proposed project is a request to construct one, 11-story, approximately 330,000-square-foot office building for Research and Development, including an eight-level parking structure. The 4.13-acre vacant parcel is located at 5530 Morehouse Drive, in the IL-3-1 Zone, the Airport Influence Area (Marine Corps Air Station Miramar), the Airport Environs Overlay Zone and the Residential Tandem Parking Overlay Zone.

The proposed project is located within the Sorrento Mesa Industrial sub area of the Mira Mesa Community Plan. The Community Plan designates the site for Industrial Park. The Industrial Park designation is intended to accommodate a mixture of research and development, office, and manufacturing uses. The project area was developed in 1984 as part of the Lusk Industrial Park development through PDP No. 84-0304, approved on August 20, 1984. The development allowed for a mixture of uses but limited office-type use to no more than 50 percent of the total building square footage allowed for Lot 84 of Lusk Industrial Park, Unit 2, Map No. 10099. The project has had three amendments to

the original Planned Industrial Permit (PID No. 86-0125, 89-0398, and Planned Development Permit No. 272886). The Industrial Land Use Element of the Community Plan requires that the amount of multi-tenant office be limited to 50 percent of the total square footage of the project. The proposed project will be limited to single-tenant Research and Development; therefore the proposed development would not adversely affect the land use plan

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed project is a request to construct one, 11-story, 332,800-square-foot office building for Research and Development, including an eight-level parking structure. The 4.13-acre vacant parcel is located at 5530 Morehouse Drive, in the IL-3-1 Zone, the Airport Influence Area (Marine Corps Air Station Miramar), the Airport Environs Overlay Zone and the Residential Tandem Parking Overlay Zone.

This project is within the scope of Mitigated Negative Declaration No. 86053 Sorrento Valley Science Park Project (Project No. 86053), which was certified and adopted, on September 22, 2005, Resolution No. 3846-PC, by the Hearing Officer of the Development Services Department. This Mitigated Negative Declaration adequately describes the activity for the purposes of CEQA. Any previous mitigation applicable to this development would transfer with this entitlement, therefore no additional environmental documentation, including public review and comment is required.

All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and City regulations governing the construction and continued operation of the development apply to this project to percent adverse affects to those persons or properties in the vicinity of the project. Therefore, the proposed development will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

The proposed project is a request to construct one, 11-story, 332,800-square-foot office building for Research and Development, including an eight-level parking structure. The 4.13-acre vacant parcel is located at 5530 Morehouse Drive, in the IL-3-1 Zone, the Airport Influence Area (Marine Corps Air Station Miramar), the Airport Environs Overlay Zone and the Residential Tandem Parking Overlay Zone.

The proposed project complies with all the applicable development regulations of the IL-3-1 Zone and no deviations are requested.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Planned Development Permit No. 585221 are hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 585221, a copy of which is attached hereto and made a part hereof.

Renee Mezo
Development Project Manager
Development Services

Adopted on: January 16, 2013
Internal Order No. 23431495

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

THE ORIGINAL OF THIS DOCUMENT
WAS RECORDED ON JUN 13, 2007
DOCUMENT NUMBER 2007-0399087
GREGORY J. SMITH, COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME: 9:55 AM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-5396

PLANNED DEVELOPMENT PERMIT NO. 272886
SORRENTO VALLEY SCIENCE PARK [MMRP]
PROJECT NO. 86053
AMENDMENT TO PLANNED INDUSTRIAL PERMIT NO. 89-0398
HEARING OFFICER

This Planned Development Permit No. 272886, amendment to Planned Industrial Permit No. 89-0398, is granted by the Hearing Officer of the City of San Diego to LPP SORRENTO MESA, LLC, Robert V. Lankford, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0604. The 4.13 acre site is located at 5530 Morehouse Drive in the IL-3-1 and Airport Environs Overlay Zone of the Mira Mesa Community Plan. The project site is legally described as Parcel 3 of Parcel Map No. 16707.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a phased development consists of two buildings totaling 332,880 square feet, providing 150,000 square feet for office use and 150,000 square feet for Research and Development (R&D) use, and 32,880 square feet for the parking structure at grade, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 23, 2007, on file in the Development Services Department.

The project shall include:

- a. Construct phase one of the project, consisting of the construction of Building One, a five (5) story, 139,011 square foot building, and 558 parking spaces within the parking structure and surface parking spaces, including the 32,880 square feet of gross floor area for the parking structure at grade;
- b. Construct phase two of the project, consisting of construction of Building Two, an eight (8) story, 160,989 square foot building, and the remainder parking spaces for a total of 1,020 on-site parking spaces.

- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking; and
- e. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

11. This Permit may be developed in phases. All development shall be consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A".

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project
13. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Mitigated Negative Declaration No. 86053, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.
14. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Mitigated Negative Declaration No. 86053, satisfactory to the Development Services Department and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:
- Paleontological Resources
 - Biological Resources
15. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

ENGINEERING REQUIREMENTS:

16. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
17. Prior to the issuance of any building permits for Building One, the Owner/Permittee shall assure, by permit and bond, the reconstruction of the up-lifted portion and damaged portion of the sidewalk per current City Standards, adjacent to the site on Morehouse Drive.
18. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practice (BMP) maintenance, satisfactory to the City Engineer.
19. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

20. Prior to the issuance of any construction permit, the Owner/Permittee shall provide evidence of coverage under the General Industrial National Pollutant Discharge Elimination System, in the form of a Notice of Intent (NOI) filed with the State Water Resources Control Board.

21. Prior to the issuance of any construction permit the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, consistent with the approved Water Quality Technical Report.

22. The drainage system proposed for this development, as shown on the site plan, is subject to approval by the City Engineer.

23. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2000 edition.

24. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within 90 days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code 66020.

LANDSCAPE REQUIREMENTS:

25. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A", on file in the Office of the Development Services Department.

26. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

27. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A", Landscape Concept Plan, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

28. Prior to issuance of any Certificate of Occupancy, the Owner/Permittee shall install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

29. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

30. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City manager within 30 days of damage or Certificate of Occupancy.

31. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

PLANNING/DESIGN REQUIREMENTS:

32. No fewer than 1,694 required off-street parking spaces (1,980 provided spaces) shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A" and consistent with Planned Industrial Permit No. 89-0398. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department.

33. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

34. Uses within the development shall be limited to research and development, office and light manufacturing.

35. For the purposes of limiting the amount of multi-tenant office and preserving occupancy for industrial use, the amount of multi-tenant office shall be limited to 50 percent of the total square footage of the project. For the purposes of this permit, any office tenant not occupying over 40,000 square feet of gross floor area shall be considered as contributing to the aggregate 50% limitation of multi-tenant office.

36. Support facilities shall not exceed 10 percent of the allowable gross floor area.

37. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

38. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

39. Project shall conform to uses and conditions identified in Planned Industrial Permit (PID) No. 89-0398. Specifically, Building A, R&D, 75,000 square feet, Building B, Office Use, 98,000 square feet, Building E, R&D, 29,514 square feet and Building F, R&D, 43,000 square feet.

TRANSPORTATION REQUIREMENTS:

40. Prior to Building One occupancy, a rideshare kiosk or bulletin board shall be provided for each proposed building in a conveniently accessible location satisfactory to the City Engineer.

41. Prior to Building One occupancy, a minimum of 1 acceptable loading area shall be provided satisfactory to the City Engineer.

42. Prior to Building Two occupancy, a minimum of 2 acceptable loading areas, for a total of 3 acceptable loading areas for the proposed development, shall be provided satisfactory to the City Engineer.

43. A minimum of 1,694 required off-street parking spaces (1,980 provided spaces on Exhibit "A" and consistent with Planned Industrial Permit No. 89-0398), including 17 disabled accessible spaces and 90 carpool spaces, shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A". Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the City Manager.

44. Prior to Building One occupancy, the project shall construct no fewer than 558 off-street parking spaces which shall be permanently maintained on the property within the approximate location shown on the approved Exhibit "A", including 17 disabled/accessible and 90 carpool spaces. A minimum of 17 motorcycle spaces, 8 bicycle spaces and 8 bike lockers with associated shower facilities shall be provided on site to the satisfaction of the City Engineer. Signs shall be posted indicating the availability of bicycle parking facilities.

45. Prior to Building Two occupancy, the project shall construct no fewer than 1,020 off-street parking spaces which shall be permanently maintained on the property within the approximate location shown on the approved Exhibit "A", including 17 disabled/accessible and 90 carpool spaces. A minimum of 17 motorcycle spaces, 8 bicycle spaces and 8 bike lockers with associated shower facilities shall be provided on site to the satisfaction of the City Engineer, for a total of 34 motorcycle spaces, 16 bicycle spaces and 16 bike lockers for the entire development. Signs shall be posted indicating the availability of bicycle parking facilities.

46. Prior to issuance of subsequent tenant improvement permits, the Owner/Permittee shall confirm, via a trip generation calculation based on the type of uses, that the project shall not exceed 3,794 Average Daily Traffic to the satisfaction of the City Engineer.

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47. Prior to Building One occupancy, the Owner/Permittee shall provide an employee private shuttle service between the project and the regional transportation centers, and provide transit pass subsidies for the employees to the satisfaction of the City Engineer.

48. Prior to Building One occupancy, the Owner/Permittee shall provide a kiosk or bulletin board that displays information on transit use, carpooling, and other forms of ridesharing to the satisfaction of the City Engineer.

49. Prior to Building One occupancy, the Owner/Permittee shall provide and maintain a Transportation Demand Management Plan (TDMP) to the satisfaction of the City Engineer.

50. Prior to Building One occupancy, the Owner/Permittee shall provide required on-site parking stalls and aisle widths in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the City Manager to the satisfaction of the City Engineer.

51. Prior to Building One occupancy, the Owner/Permittee shall assure by bond and permit the widening of southbound Pacific Heights Blvd north of the intersection with Mira Mesa Blvd to provide one additional lane for right hand turns with appropriate transitions which will result in two left turn lanes, two through lanes and one right turn lane for the southbound moves to the satisfaction of the City Engineer.

52. Prior to Building Two occupancy, the Owner/Permittee shall assure by bond and permit the widening of both eastbound and westbound approaches on Mira Mesa Blvd at the intersection with Camino Santa Fe to provide one additional lane for left turns with appropriate transitions which will result in two left turn lanes, two through lanes and one through/right turn lane for both eastbound and westbound moves to the satisfaction of the City Engineer.

53. Prior to Building One occupancy, the Owner/Permittee shall assure by bond and permit the widening of northbound Vista Sorrento Pkwy south of the intersection with Sorrento Valley Blvd to provide a right turn lane for at least 500 feet with appropriate transitions which will result in one left turn lane, one left/ through lane, one through lane and one right turn lane for northbound moves to the satisfaction of the City Engineer.

54. Prior to Building Two occupancy, the Owner/Permittee shall assure by bond and permit the improvement of eastbound Mira Mesa Blvd west of the intersection with Sequence Dr to provide one additional lane for left turns with appropriate transitions which will result in two left turn lanes, two through lanes and one through/right turn lane for the eastbound moves to the satisfaction of the City Engineer.

55. Prior to Building One occupancy, the Owner/Permittee shall re-stripe Morehouse Drive and provide appropriate No Parking signs on both side of the street with will result in one east, one west and one two-way left turn lane on Morehouse Drive to the satisfaction of the City Engineer.

56. Prior to occupancy of each building, the Owner/Permittee shall provide a fair-share contribution of \$500,000 for each building, for a total of \$1,000,000 for the entire development, for the Carroll Canyon Road project to the satisfaction of the City Engineer.

57. Prior to Building Two occupancy, the Owner/Permittee shall provide a fair-share contribution of \$306,000 for the Mira Sorrento Place or the Carroll Canyon Road project to the satisfaction of the City Engineer.

58. Prior to Building One occupancy, the Owner/Permittee shall provide a fair-share contribution of \$200,000 for the Interstate 805 improvement project to the satisfaction of the City Engineer.

59. Prior to Building One occupancy, the Owner/Permittee shall provide a fair-share contribution of \$125,000 for the Interstate 5 improvement project to the satisfaction of the City Engineer.

WASTEWATER REQUIREMENTS:

60. The Owner/Permittee shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

61. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

WATER REQUIREMENTS:

62. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new 12-inch looped water facilities traversing the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

63. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the disconnection at the water main of the existing water service adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

64. Prior to the issuance of certificate of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Marshal, the Water Department Director and the City Engineer.

65. Prior to the issuance of any construction permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service serving the project, in a manner satisfactory to the Water Department Director and the City Engineer.

66. Prior to the issuance of any construction permits, the Owner/Permittee shall grant adequate water easements over all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director and the City Engineer. Easements, as shown on approved Exhibit "A" will require modification based on standards at final engineering.

67. Prior to the issuance of any construction permits, the Owner/Permittee shall provide Encroachment Removal and Maintenance Agreement (EMRA) for all public water facilities located within the easement.

68. Prior to the issuance of certificate of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

69. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, as shown on approved Exhibit "A", shall be modified at final engineering to comply with standards.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance

APPROVED by the Hearing Officer of the City of San Diego on May 23, 2007, Resolution No. HO-5755.

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PLANNED DEVELOPMENT PERMIT NO. 272886

Date of Approval: May 23, 2007

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT



Laura C Black
Development Project Manager

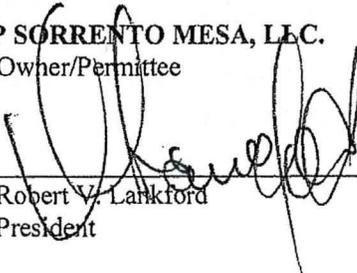
**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1180 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

LPP SORRENTO MESA, LLC.

Owner/Permittee

By



Robert V. Lankford
President

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

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